



Rocky Mountain
Remediation Services, L.L.C.
... protecting the environment

8/1/97

Document Transmittal
Acknowledgement Notice

1st Notice

J. Marshall

RMRS
Bldg. 116

Copy no. 35

Sent by: RMRS DOCUMENT CONTROL
Building 116
Kathy Manzanares
Ph.: (303) 966 - 5430
FAX: (303) 966 - 4641

Should you no longer need or do not want this MANUAL/PROCEDURE/PLAN, please return.

The documents being transmitted to you are:

Document No.

Document Title

RM-06.04

REV 0

Administrative Record Document Identification and
Transmittal

Instructions: New procedure consisting of 11 pages.

File the procedure in the RMRS Administrative Procedures binder under
Tab # 6 and behind procedure # RM-06.03.

Jan,

Two copies provided to you; one for the AR and the other for your
reference.

Signing Receipt Acknowledgement indicates you have read and understand the above documents.

MUST BE RETURNED WITHIN 14 DAYS OF RECEIPT

Return this signed form to RMRS Document Control, Bldg 116 by 8-18-97 .

Recipient's Signature

Date

PROCEDURE

ADMINISTRATIVE RECORD DOCUMENT IDENTIFICATION AND TRANSMITTAL

RM-06.04

Revision 0

Date Effective: 07/31/97

APPROVED: *[Signature]* 7/31/97
Sr. Vice President, Administration

Page 1 of 11

1.0 PURPOSE

This procedure establishes and defines the requirements and responsibilities for the compilation and maintenance of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) Administrative Record (AR) files and completed ARs in accordance with:

- OSWER Directive 9833.3A-1, Final Guidance on Administrative Records for Selecting CERCLA Response Actions
- Final Rocky Flats Cleanup Agreement
- 1-F78-ER-ARP.001, CERCLA Administrative Record Program

This procedure describes and defines the functions necessary for the compilation of AR files for CERCLA response actions. Under subsection 113 (j) of CERCLA, the judicial review of any issue concerning the adequacy of a response action is normally limited to the AR. For this reason, the AR must contain adequate documentation to explain and describe the decision process that leads to the selection of a particular response action. An AR includes not only the rationale for the selected remediation but must also document any courses of action which were considered, but ultimately rejected. The court will uphold the selection of the response action unless "the objecting party can demonstrate on the AR that the decision was arbitrary and capricious or otherwise not in accordance with law".¹

In addition to limiting potential litigation demands, subsection 113(k) requires that the AR act as a vehicle for public participation in selecting a response action. To allow the public full participation in the selection of a response action, the AR should be a contemporaneous record with documents being compiled as they are generated or received.

In addition to documents that describe the selection of the response action, the AR must also contain documents that reflect the participation of the public in the selection process and the agency's consideration of the public's concern. If the lead agency does not provide an opportunity for involvement of interested parties in the development of an AR, persons challenging a response action may argue that judicial review should not be limited to the AR.

An AR includes not only the rationale for the selected remediation, but must also document any courses of action which were considered, but ultimately rejected. Further, an AR not only includes documents explaining the alternatives considered, but also contains supporting documents that detail estimates, any technical reports, studies, sampling data, etc.

¹ 42 U.S.C. Section 9613 (j)(2) (1988 & Supp. 1993), Civil Proceedings - Administrative Record.

The site AR's are developed by proceeding through the following steps:

- Identification of potential AR documents
- Approval of documents by the Department of Energy, Rocky Flats Field Office (DOE, RFFO)
- Maintenance and distribution of AR files by AR staff
- Examination and approval of AR files at a Site Technical Administrative Record Review (STARR) meeting before the file is closed with the signing of the decision document (e.g., Proposed Action Memorandum)
- AR files become ARs when the decision document is signed. Post-decision document files will be developed for each removal action. The post-decision files will not be included in the associated AR, but may be a part of another remedial or removal decision, such as the closure of either the IA or the Buffer Zone OUs.
- Each CERCLA Decontamination & Decommission (D&D) activity will have its own AR file, AR and respective post-decision document file which will be included directly or by reference in the final Industrial Area (IA) or Buffer Zone (BZ) OU AR.

At RFETS potential AR documents are submitted to the RMRS Administrative Record Coordinator (ARC) for processing.

2.0 SCOPE

This procedure addresses the receipt and processing of all potential AR documents by the ARC for the compilation and dissemination of AR files and ARs for all RFETS CERCLA response actions.

This procedure addresses the following topics:

- Receipt of potential documents by ARC as appropriate for the CERCLA AR
- Records capture by ARC
- AR Document Review Lists
- CERCLA AR Document Identification (Appendix 1)
- Review of AR files using the AR index
- STARR meetings
- Exclusions to the CERCLA AR (Appendix 2)
- Routine Documents List (Appendix 3)
- Document Follow-up (Appendix 4)

This procedure is a total rewrite and revision bars are omitted. This procedure supersedes 2-S65-ER-ADM-17.02, Revision 1.

4.0 DEFINITIONS

See Procedure 1-F78-ER-ARP.001, CERCLA Administrative Record Program for definitions.

5.0 RESPONSIBILITIES

5.1 Administrative Record Coordinator (ARC)

- [1] Develop and implement procedures to define AR responsibilities;
- [2] Provide RFETS personnel with the necessary training in CERCLA AR requirements;
- [3] Ensure that sampling and testing data, quality control and quality assurance documentation are available for public inspection;
- [4] Review listings of potential AR documents for relevance and AR files for completeness;
- [5] Provides guidance on the identification of AR documents;
- [6] Redact all information from privileged documents and coordinate with the ARC to maintain the privileged portion of each record;
- [7] Ensure that all documents are appropriately classified before being made available to the public in the AR files;
- [8] Accepts submission of potential AR documents from Records Sources;
- [9] Reviews and processes all potential AR documents;
- [10] Make AR Index and documents available at public repositories, DOE and regulatory agencies
- [11] Coordinates final AR selection with DOE RFFO TARC;
- [12] Participate in STARR meetings for response actions as appropriate;
- [13] Submit completed ARs to DOE RFFO for long-term storage.

6.0 INSTRUCTIONS

This section contains instructions for the identification of potential CERCLA AR documents and their submission to the RMRS ARC.

6.1 Receipt of Potential Documents for the CERCLA AR

RMRS ARC

- [1] Accept and review all submitted documents in accordance with the following, as applicable:
 - OSWER Directive 9833.3A-1
 - RMRS Procedure RM-06.03, Records Receipt, Processing, Retrieval, and Disposition.
 - Site Procedure 1-V41-RM-001, Records Guidance for Records Sources.
 - RMRS Procedure RM-06.02, Records Identification, Generation and Transmittal
- NOTE:** *The records acceptance criteria of each document must be met for the document to be accepted by the ARC.*
- [2] **IF** any documents do **NOT** meet the acceptance criteria,

THEN complete a deficiency form and return to Records Source and maintain one copy for the ARC.

- [3] Bar code the document.
- [4] Date stamp the receipt of each document.
- [5] Ensure documents or transmittals specify OU with IHSS, or D&D area.
- [6] Ensure all attachments are included.
- [7] Affix "Administrative Record" stamp on front sheet of each document.
- [8] Update the AR database to indicate documents received and add the AR document number to the appropriate record(s) in the database.

6.2 AR Document Review Lists

RMRS ARC

- [1] Generate review listing of potential AR documents for transmittal to DOE RFFO Technical Administrative Record Coordinator and other appropriate personnel to determine what documents are included in the record.
- [2] Record the opinions marked for each document on review lists completed by TARC or designated personnel.
NOTE: Review listings will generally be transmitted to the TARC on a biweekly basis. The frequency of requiring DOE RFFO review is subject to change based upon public participation actions.
- [3] Process DOE RFFO-approved documents for the AR files.

6.3 Routine AR Document Types

Kaiser-Hill ARC

- [1] Generate and update a listing of Site document types that are clearly appropriate for inclusion into an Administrative Record.
- [2] Submit Routine Document Type list and all subsequent updates to the DOE RFFO TARC for approval.

6.4 Review of AR Files Using the AR Index

RMRS ARC

- [1] Process documents that fall under the criteria of the Routine Document for the AR files. No review by DOE RFFO is required for Routine Documents.
- [2] Provide convenient access to the AR index as requested.

6.5 Public Availability of AR Index and Documents

RMRS ARC

- [1] Make AR Index and documents available at public repositories, DOE and regulatory agencies as required.

6.6 Site Technical Administrative Record Review (STARR) Meetings

RMRS ARC

The TARC will arrange a STARR meeting at least two months prior to the approval of each decision document for a CERCLA response action. The STARR meeting should include the TARC, ARC, responsible personnel from the IMC and subcontractor offices, and regulatory agencies.

- [1] Provides a list of all documents included or scheduled to be included in the AR file.

At the conclusion of the STARR meeting the TARC and ARC will be provided with a list of documents or document types to be added to the AR file and direction on any modifications to be made to the AR index. The TARC will also provide the ARC a listing of pre-approved documents that are expected to be generated up to the approval of the decision document for the response action.

It is possible to have more than one STARR meeting for any single response.

- [2] The minutes of each STARR meeting shall be included in the AR file and be listed on the Routine Documents List.
- [3] Submit completed ARs to DOE for long-term storage.

7.0 RECORDS

The generation of records does not result, in and of itself, from this procedure.

8.0 REFERENCES

OSWER Directive 9833.3A-1, Final Guidance on Administrative Records for Selecting CERCLA Response Actions, U.S. Environmental Protection Agency, Office of Solid Waste and Emergency Response, December 1990

Final Rocky Flats Cleanup Agreement, CERCLA VIII-96-21, RCRS (3008(h)) VIII-96-01, State of Colorado Docket #96-07-19-01, July 19, 1996

1-F78-ER-ARP.001, CERCLA Administrative Record Program

42 U.S.C. Section 9613, subsection 113(j)-(k) (1988 & Supp. 1993), Civil Proceedings, Administrative Record

RM-06.02, Records Identification, Generation and Transmittal

1-V41-RM-001, Records Management Guidance for Records Sources

Appendix 1

**CERCLA ADMINISTRATIVE RECORD
DOCUMENT IDENTIFICATION**

In assessing the relevance of a document to the AR, there are two basic questions that are addressed:

- Could the document be used or relied upon by the DOE in deciding how to clean up an IHSS, Building or OU?
- Will the document be used to inform or involve the public in the cleanup of IHSSs, Building, and OUs at the RFETS?

A document does not need to be specific to an OU to be considered for any remediation value. An example would be a document outlining procedures for protecting endangered species at the RFETS. While this document does not address any particular OU, all proposals for remediation would have to take the endangered species procedure into consideration.

Some specific document types that would be included in the AR are discussed below. Appendix 2 includes documents generally excluded from an AR.

In accordance with 40 CFR 300.810, the AR for the selection of a response action may contain the following types of documents:

- Documents containing factual information and data and analysis of the factual information and data that form a basis for the selection of a response action, such as the following:
 - ⇒ Comprehensive Environmental Analysis and Response Program (CEARP) reports
 - ⇒ Remedial Investigation/Feasibility Study (RI/FS) Work Plan
 - ⇒ Amendments to the Final Work Plan
 - ⇒ Sampling and Analysis Plan (SAP), consisting of a Quality Assurance Project Plan (QAPjP) and Field Sampling Plan (FSP)
 - ⇒ Validated and verified sampling and analysis data
 - ⇒ Site inspection and evaluation reports
 - ⇒ Data summary sheets (location of Chain of Custody forms may be referenced)
 - ⇒ Technical and engineering evaluations performed for RFETS
 - ⇒ IHSS/Building/OU-specific health and safety plans
 - ⇒ Documents supporting the lead agency's (DOE, EPA, or CDPHE) determination of imminent and substantial endangerment assessment
 - ⇒ Documentation of applicable or relevant and appropriate requirements (ARARs)
 - ⇒ Reconnaissance of Level Characterization Report

- ⇒ D&D Notification Letter
- ⇒ RI/FS Report
- ⇒ Remedial Investigations/RCRA Facility Investigations (RI/RFIs)
- ⇒ RI/RFI Technical Memoranda
- ⇒ Data submitted by the public, including potentially responsible parties (PRPs)
- Documents received, published, or made available to the public for remedial actions or removal plans, such as the following:
 - ⇒ Community Relations Plan
 - ⇒ Proposed Plan
 - ⇒ Public notices of AR availability and public comment periods
 - ⇒ Documentation of public meetings
 - ⇒ Public comments
 - ⇒ Transcripts of public meetings
 - ⇒ Responses to significant comments
 - ⇒ Responses to comments from state or federal agencies
- Other information, such as the following:
 - ⇒ AR File Index
 - ⇒ Documentation of state and/or EPA involvement
 - ⇒ Health assessments
 - ⇒ Natural Resource Trustee notices and responses, findings of fact, final reports, and natural resource damage assessments
 - ⇒ Decision documents rising from dispute resolutions
- Decision documents, such as the following:
 - ⇒ Interim Measure/Interim Remedial Action Plan (IM/IRA)
 - ⇒ Records of Decision, including responsiveness summary
 - ⇒ Proposed Action Memorandum (PAM)
 - ⇒ Explanations of significant differences
 - ⇒ Amended Records of Decision and underlying information
 - ⇒ Decommissioning Program Plan (DPP)
 - ⇒ Decommissioning Operations Plan (DOP)
- For CERCLA sites with a history of RCRA activity, any relevant RCRA information that may be considered or relied on in selecting the CERCLA response action

Appendix 2

EXCLUSIONS TO THE CERCLA AR

There are several categories of documents that are normally excluded from the AR. The only exclusion which involves the Records Sources is the exclusion of documents that are clearly irrelevant to the selection of a response action. All other categories are determined by the RMRS AR staff. Documents meeting the definition of a AR document as defined in this procedure are submitted to RMRS AR staff in accordance with Section 6.2, Submission of Potential AR Documents.

Documents Generally Excluded from the AR

General

Documents generally excluded from the AR are the documents that do not form a basis for the selection of a response action by the DOE. Such documents include:

- Contractor work assignments
- Draft documents, internal memoranda, and day-to-day notes to staff, unless considered or relied upon by the DOE in making a response selection, or where the draft document is the de facto final document
- Publicly available non-site-specific technical literature
- Publicly available statutes and regulations
- The actual work of remediation, as opposed to the process leading up to the decision on how to remediate a site
- Specific cost documentation as opposed to an evidence of cost effectiveness

Privileged and Confidential Documents

Privileged and confidential documents, relating to attorney-client, attorney work product, or confidential business information, are not included in the AR. The information in these documents, to the extent feasible, is summarized by the AR staff in such a way as to make the information disclosable and the summary placed in the publicly available portion of the AR. The confidential or privileged document itself is placed in the confidential portion of the AR File. All documents contained in the confidential portion of the AR File are listed in the index to the file.

Deliberative Process Privilege

Predecisional, deliberative communications that express opinions, advice, or recommendations may be excluded under the deliberative process privilege. The privilege was instituted to promote open and candid communication among parties involved in formulating policy. This privilege is balanced with the statutory mandate of including the public in the response action decision process.

Appendix 3

Routine Documents List

1. Preliminary Assessment (PA) Report (or equivalent)
2. Site Investigation (SI) Report
3. Remedial Investigation/Feasibility Study (RI/FS) Work Plan
4. Amendments to the Final Work Plan
5. RI/FS Report
6. RCRA Permit Application (Part A and Part B)
7. RCRA Facility Assessment Report
8. RCRA Facility Investigation/Corrective Measure (RFI/CMS) Study Work Plan
9. RFI/CMS Report
10. RFI/RI Reports
11. Quality Assurance Project Plan (QAPjP)
12. RCRA Work Plans and Standard Operating Procedures (SOPs)
13. Baseline Risk Assessment Technical Memoranda
14. Historical Release Report (HRFR)^j
15. Data Summary Sheets
16. CMS/FS Reports
17. IM/IRA Decision Documents
18. Closure Plans
19. Corrective/Remedial Design Plans
20. Corrective/Remedial Design Work Description Documents
21. Sampling and Analysis Plans
22. IM/IRA Implementation Documents
23. Closeout Report

24. Proposed Action Memorandum (PAM)
25. Corrective Action Decisions/Records of Decisions
26. Draft Permit Modifications for CADs/Proposed Plans
27. CMFj/FS Technical Memoranda
28. RFI/RI Work Description Document Technical Memoranda
29. Decommissioning Program Plan
30. Decommissioning Operations Plan
31. Reconnaissance Level Characterization Report
32. DOE Notification Letter for D&D

Appendix 4

AR Document Flowchart

